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SUBJECT: BOSNIA: VOTES LACKING TO PASS CONSTITUTIONAL
REFORM

Classified By: AMBASSADOR DOUGLAS MCELHANEY. REASON: 1.4 (B) AND (D)

¶1. (C) SUMMARY: Constitutional reform measures agreed on March 18 by Bosnia and Herzegovina's political party leaders are now under consideration by relevant committees in the BiH Parliament. Driven by Bosnia's electoral calendar, amendments must be approved by the end of April in order for the changes to the national government to be in place by the October 2006 general elections. With 15 crucial days to go before Parliament acts, our count indicates that we have not -- yet -- nailed down all the votes we need. Some parliamentarians continue to argue that the changes do not go far enough; they reject the existing package in favor of a non-existent but theoretically more sweeping package to be negotiated in the future. As intensive Embassy lobbying (bolstered by the international community) moves forward, we are emphasizing a united message: these changes are an important first step, essential for BiH's Euro-Atlantic integration, and the best which can be agreed by all parties now. For the first time, Bosnians are changing their Dayton-era constitution themselves. As the parliamentary vote nears, we will need a strong public message from Washington to bolster our public diplomacy outreach. This cable is the first in a series of updates on constitutional reform legislation. END SUMMARY.

THE TIMELINE: DECISION BY APRIL 25

¶2. (C) After reaching political agreement March 18 on a package of measures to strengthen Bosnia and Herzegovina's national government, political leaders approved draft amendments and legislation for parliamentary approval and sent it forward on March 25. The measures provide for a single President with limited competencies and two Vice Presidents. The Council of Ministers becomes the key institution of executive authority, and the Prime Minister receives enhanced powers. In Bosnia's bicameral parliament, the House of Representatives will double in size, and the upper house -- the House of Peoples -- will find its role limited to consideration of issues touching on the vital national interest of Bosnia's three peoples.

¶3. (C) While political leaders agreed to forward the legislation on March 25, Bosnian Croat HDZ leader Covic insisted on having more time for review. This week, on April 5, the leaders met again at his request -- though Covic sent a substitute. As the basis for the meeting, Covic reworked some of the amendments, in clear violation of elements of the earlier political agreement. These were rejected by the party leaders (bolstered by the Ambassador's presence at the meeting).

¶4. (C) Legislation is now under consideration by the House of Representatives' Constitutional and Legal Affairs Committee (CLAC). The CLAC will hold one public hearing only, on April 12. We anticipate that it will get a large turnout, including members of both houses of parliament, the Council of Ministers, the Constitutional Court, entity-level officials, law school faculty, etc. The Ambassador plans to give extensive media interviews on April 11, so that April 12's news focuses on U.S. support for the package.

¶5. (C) The CLAC will vote on the legislation on April 18 and forward the legislation to the full House of Representatives for consideration. The Constitutional Committee of the House of Peoples will do the same on April ¶22. The House of Representatives will hold the required two readings of the legislation and vote all in one day: April ¶24. The House of Peoples will do the same on April 25. The Ambassador will attend the House session; we will ask all PIC Steering Board Ambassadors to attend as well.

BUILDING POLITICAL SUPPORT IN THE HOUSE OF REPS . . .

¶6. (C) Both the Embassy and the BiH political party leaders are engaged in a full court press to build support for the legislation. Party leaders are counting on party discipline to ensure passage (always an iffy assumption here), and are briefing their representatives. Nevertheless, there are pockets of opposition. Although the small multi-ethnic government coalition partner "Party for BiH" (SBiH) participated in the negotiation process, it withdrew and is now formally opposed thanks to the Presidential ambitions of its once and future leader, Haris Silajdzic. Also opposed: the small Bosnian Serb Radical party and a couple of small

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parties without parliamentary representation. They are joined, critically, by several members of the Bosnian Croat HDZ who -- having been ousted from their party positions by HDZ leader Covic -- are opposed to anything Covic has negotiated.

¶7. (C) In the 42-seat House of Representatives, 28 votes are needed to ensure passage. We estimate we have 23 solid votes now. Our strategy is to focus on several potentially persuadable representatives to get the five votes needed. This includes key SBiH parliamentarians who are clearly uncomfortable with Silajdzic's self-interested rejectionism. The Ambassador met on April 6 with SBiH's Beriz Belkic; Belkic, deeply uncomfortable with SBiH's stance (having participated in negotiations through January), admitted that it was difficult to explain. Belkic told the Ambassador that SBiH planned to offer an amendment to the legislation which would eliminate qualified majority voting in the House of Representatives (QMV, also known as the "entity vote"). Unless QMV was eliminated, SBiH would vote against the package (rather than abstaining). However, Belkic added that he was still open for discussion.

¶8. (C) The Ambassador pressed Belkic to reconsider. Surely Belkic realized, from his participation in the negotiations, that the Bosnian Serbs could not agree to end QMV now? Belkic admitted he did. Ambassador pointed out that Belkic and SBiH had a clear choice to make: support constitutional reform now, or be responsible for putting the brakes on Bosnia's Euro-Atlantic integration. With his reputation for responsible government, Belkic should not align himself with those who wanted the first Bosnian-negotiated constitutional reform to fail.

¶9. (C) SBiH's proposed amendment would put the Bosniaks and Croats in a bind. President Tihic told the Ambassador on April 4 that his party, SDA, could not be put in the position of voting to maintain the practice. In the meeting of party leaders with the Ambassador on April 5, Tihic proposed that -- if the amendment was tabled by SBiH -- the Bosnian Serb

parties allow SDA, HDZ and the largely Bosniak SDP to side with SBiH. The Bosnian Serbs could then veto the provision in the full House. While the Bosnian Serbs rolled their eyes (realizing that they would once again be portrayed negatively in the press), SDP leader Lagumdzija argued persuasively that all the party leaders must stand, together, against amendment and for the compromises they had negotiated together. The Ambassador will reinforce this point with Tihic in the coming days.

¶10. (C) We are also putting the pressure on several Croat HDZ MPs. Over the past few months, HDZ President Covic has consolidated his hold over the party, while ousting his internal opposition. That has made several key HDZ parliamentarians rebel; they are strongly and publicly against any plan negotiated and backed by Covic. The Embassy has told key HDZ parliamentarian Martin Raguz not to make constitutional reform a weapon in his fight against Covic. Raguz is sweating under the pressure (which he is also getting from European ambassadors). Several other anti-Covic HDZ rebels we met with this week are waiting to see what Raguz does before making up their own minds.

. . . IN THE HOUSE OF PEOPLES . . .

¶11. (C) By our reckoning, party solidarity in the House of Peoples means that we already have sufficient support there. Nine of 15 votes are required, including three from each ethnic caucus. We estimate we have twelve solid votes; there are no HDZ rebels among the House of Peoples delegates.

. . . WITH RELIGIOUS FIGURES . . .

¶12. (C) Public support will also be essential to getting constitutional reform through parliament. Both party leaders and the Embassy are reaching out to leading civil society figures. The Islamic Community's governing body Rijasat issued a supportive statement on March 28. However, conservative Catholic Church leaders are proving a tougher sell. President Tihic reportedly met with Vatican General Secretary Angelo Soldano the week of March 25, explaining the

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benefits of constitutional reform and asking for support. The Ambassador met with Cardinal Puljic in Sarajevo on April 16. Puljic initially claimed that the Church did not get involved in politics, but when pressed by the Ambassador

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acknowledged that Peric's statements had blatantly already crossed the line by putting out a statement strongly critical of reform, and making clear Church criticism of the U.S. Puljic argued that, as Bosnia's smallest constituent people, the Croats needed more from constitutional reform -- i.e., more ways to block legislation with their minority votes. However, he eventually agreed that the upcoming Easter holidays were a good time to focus on religious, not political, matters.

. . . AND WITH OPINION LEADERS

¶13. (SBU) Over the past ten days, Ambassador, in conjunction with the German, Austrian and UK ambassadors, have continued outreach to BiH's opinion leaders. (UK PM Blair's comments on the issue here were greatly welcomed.) In separate meetings with newspaper columnists, media editors and owners, NGO representatives, academic and cultural figures, he has stressed the importance of constitutional reform for BiH's Euro-Atlantic future. The response has been strongly supportive, though Croats remain the most skeptical. The Ambassador will conduct targetted media outreach next week, and host similar discussions in Herzegovina the week of April 18 for those who have been unable to make the trek to Sarajevo.

¶14. (C) Our outreach to the Bosnian Serb community has, of

necessity, been more low-key. Constitutional reform is not viewed as positive by most Bosnian Serbs. They are ready to accept the political leaders' agreement on this set of reforms precisely because it focuses on national institutions. Our challenge will be to get support for the next -- post-election -- phase of the constitutional reform process. That is the phase which, by examining "sub-national" government structures, will most threaten entity (read: Republika Srbska) prerogatives.

DEPLOYING EU, SBA AMBASSADORS -- AND CAPITALS

¶15. (C) At our request, the German and Austrian ambassadors have been focusing pressure on Bosnian Croat politicians, particularly HDZ rebels. Ambassador briefed the April 7 meeting of Steering Board Ambassadors on constitutional reform. The High Rep and SBA agreed to work out a coordinated lobbying strategy, to be deployed the week of April 10. Included will be suggestions for using statements from both Brussels and Washington to ratchet up pressure closer to the April 24/25 votes. Further updates to follow.

¶16. (C) COMMENT: We are not there yet. If the majority parties in favor of the package do not stick together, Silajdzic and the Croats could bring the whole reform process down. Interestingly, those who believe the reforms are not enough and those who want more have formed an alliance of convenience. Intense lobbying and media work will continue.

MCELHANEY